

Theodore Stieve
President



Thomas Baffuto
Executive Director

21

May 17, 2006

NJ State Board of Education
100 River View Plaza
P.O. Box 500
Trenton, NJ 08625-0500

Re: Proposed Changes to *N.J.A.C. 6A:14*

Dear President and Board Members:

I would first like to thank you for the opportunity to submit testimony on the proposed changes to the special education regulations. Secondly, we sincerely appreciate this additional opportunity to share our thoughts.

The Arc of NJ is the largest statewide advocacy organization for individuals with developmental disabilities and their families. We have an affiliated local Chapter in every county of the state, serve over 13,000 member families statewide, and advocate on behalf of more than 200,000 individuals with developmental disabilities in New Jersey. The IDEA regulatory changes will have a significant impact on the families we serve and we therefore feel that it is imperative that we provide you with the following input.

I would like to begin by thanking the Department of Education for maintaining several amendments that we feel take a positive step in the right direction for the provision of quality educational services for students with disabilities in New Jersey. To that end, we support, among others, the following proposed amendments:

• **The proposal which mandates that a Special Education Parent Advisory Group be in place in each school district.**

The Arc of NJ is very pleased with this amendment and we request that it be preserved, however we would appreciate some direction from The Department of Education regarding the establishment procedures and governance of these organizations.

• **The re-inclusion of annual goals and short-term objectives.**

The Arc of NJ is delighted that annual goals and short-term objectives have been re-instituted and we ask that they be maintained in the final regulations. These benchmarks are essential in IEP planning and the measurement of progress.

• **The switch from 45 school days in an interim alternative placement back to 45 calendar days.**

The Arc of NJ is pleased to see this change, however we believe the majority of these interim alternative placements are in the home. To that end, we would like the Department to track this data and assist districts in providing a less restrictive option for these students.

Advocating for and serving people with mental retardation and other developmental disabilities and their families since 1949.

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- **The maintenance of transition planning to begin at age 14.**

The Arc of NJ asks that the Department maintain this provision. We strongly believe that students with disabilities need this time to plan for their future and learn the functional, social and life skills necessary to be successful in the community.

- **The requirement that districts maintain documentation that the teacher or special service provider, as applicable, has been informed of his or her specific responsibilities related to implementing the student's IEP.**

We are pleased to see that this provision has been maintained and we ask that it remain. All school personnel working with a student should be aware of his/her goals, objectives, accommodations, modifications, etc. in order to effectively implement the IEP.

- **The requirement for a draft IEP or meeting notes/agreements be given the parent at the close of the IEP meeting.**

The Arc of NJ is happy to see this provision and we request that it be preserved in the final regulations. Following an IEP meeting, parents should be entitled to receive a written product of the entire educational plan or simply a summary of what was decided.

- **The requirement of IEP teams to annually consider strategies to transition students to a less restrictive environment**

The Arc of NJ asks that this provision be maintained. This change is critically important to satisfying the spirit of the least restrictive environment provision of the *Individuals with Disabilities Education Act*, and hopefully, will help to ensure that New Jersey does a better job of including students with disabilities in their community schools with their non-disabled peers.

- **The requirement that IEP teams set forth how a student will participate with non-disabled peers in extracurricular and non-academic activities and delineate a means to achieve such participation.**

The Arc of NJ is delighted with this provision and we ask that it be maintained. The exposure of disabled students to typical peers in non-academic activities is essential for the development of appropriate language, social skills and friendships.

- **The inclusion of several provisions that emphasize the importance of assessing a student's functional needs and creating functional skills goals to achieve that.**

The Arc of NJ is pleased that the functional needs of students will be acknowledged and addressed in each student's IEP and again we request that this provision remain. Unfortunately, functional and daily living skills are all-too often ignored in students' IEPs. These skills are critically important to ensuring a student's ability to transition from school to adult life, live in their communities as adults, and find and maintain employment after school.

While we commend the Department's leadership in maintaining all of the above amendments to the special education regulations, The Arc of New Jersey also believes that several of the proposed amendments do not go far enough in ensuring that students with disabilities are provided with appropriate educational services to meet their unique needs. **To that end, we respectfully request the following changes to the proposed regulations:**

- **The attendance of all relevant IEP team members at the meetings**

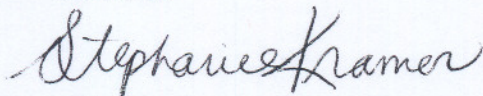
The Arc of NJ does not support the excusal of IEP team members. We believe that effective IEP development can only be achieved when all team members are present. Excusal from meetings will decrease a great deal of collaboration and information sharing, which is a key

component to IEP development. However, if this provision were to remain, The Arc of NJ supports the parental protections of written notice and written consent that have been included.

- **The requirement that an IEP meeting be held when an amendment needs to be made.** The Arc of NJ does not support the allowance to change an IEP without a meeting. We believe that an amendment to an IEP should be a full team decision to allow for all members to provide input. However, if this provision were to remain, The Arc of NJ supports the parental protections of written notice and written consent that have been included.

Thank you again for the opportunity to provide input. Please do not hesitate to contact me at 732-246-2525, ext. 20 or skramer@arcnj.org if you require any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Kramer".

Stephanie Kramer
Coordinator, Education Advocacy
The Arc of NJ